Scott H-27—58,004—4-11-46.

P.W (1947) Department.

M/s SERIES.

G.O. NO. 2223 Loc

Dated 25 7.1947

[Despatch Abstract.]

B4/9849/46

Municipal Office,
Mangalore, 6th August

From

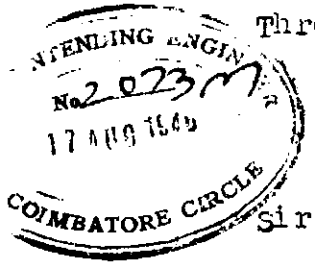
Sri M. Narayana Shenoy, B. A. B. L.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to the Government of Madras, 2801 RL
Public Works Department, Madras,

Through

The Superintending Engineer,
P. W. Department, Coimbatore,
&
The Chairman, Municipal Council, Mangalore



Sir,

Subject:- Grant - Share of Mangalore Port income - payment - requested.

In reviewing the Budget Estimate for the year 1946-47 of this Municipality, the Government in their order No. 1S dated the 14th March 1946 stated in para 9 that Government the Public Works Department may be addressed regarding the request of the council for a share of the income from the Mangalore Port. I, therefore, submit herewith a copy of Council resolution No. 24 dated the 2nd January 1946 and the report of the Budget Committee (copy of relevant extract enclosed) and submit the following :-

The town of Mangalore is situated at the junction of the two rivers, Nethravathi and Gurupur. The Government fixed the Western boundary of the Municipality as the river Nethravathi. Since the fixation of the boundaries of the Municipality in 1908, the areas all round the town have gained importance. The Council therefore decided to extend the boundaries. The Government sanctioned the extension of

3/ P.W. Deptt.

62

O.M. No 44364/46-1 dt. 2.9.46

Sub: Grant Share of Mangalore Ltd Income Payment to Mangalore Municipal Council.

Ref: From the Commr. Mangalore Municipality No. B4/9849/46 dt. 8.8.1946.

The Commissioner, Mangalore Municipality is requested to send a copy of Mangalore Municipal Council Resolution No 2 dt. 2nd January 1946 on the above subject as it has not been received with his letter cited above.

for Secretary to Govt.

To
The Commr. Mangalore Municipality
Thro. C.N.C. Mangalore

54/9849/46.

Municipal Office, Mangalore,
Dated the 11th September 1946.

From

Sri M.Narayana Shenoy, B.A.B.L.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to Government,
Public Works Department, M a d r a s,

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Subject:- Grant - share of Mangalore Port income - Payment to Mangalore Municipal council.

Reference:- Government Memorandum No. 4436 F/46-1 dated the 2nd September 1946.

Copy of resolution No.4 of the Budget Committee held on 5th December 1945 together with a copy of the council resolution No.2, dated the 2nd January 1946 approving the proposal of Budget committee are enclosed. The Municipal council did not make any modification Res.No. 4 of the Budget committee.

Commissioner

Forwarded 16.9.46

Chairman, M.C.

Extract from proceedings of a meeting of the Municipal council Mangalore dated the 2nd January 1946.

x x

1. Revised estimate for the year 1945--46 and Budget estimate for 1946--47, connected statements, budget memorandum and the budget committee's recommendation with the file of connected papers.

Proposed by Mr. John Gonsalves and seconded by Sri M.Mukunda that the budget prepared by the Commissioner and the proposals of the committee be approved and passed with the following moddifications.

CARRIED.

sd/H.Hoosien Saheb
Chairman,M.C.

(True extract)

Commissioner

h/12.9.46.compd:-

Extract from the proceedings of the Budget committee dated the 5th December 1945.

---

x x x

4. That the Government be requested to help this Municipality in securing a portion of the Port income, in view of the benefit accruing to the Port from the amenities provided by the municipality.

x x

d/H.Hoosien, Saheb
Chairman, M.C.

(True extract)

12th Septr. 46

Commissioner

h/12.9

No. 28018/46-2

Presidency Port Office
Madras, 31--10--1946.

From the Presidency Port Officer, Madras.

To *Retransmitted to the Secretary to Government, Public Works Department, Madras. I would invite a reference to Section 36(5) of the Indian Ports Act 1908 (Central Act XV of 1908) and to para 3 of the Statement of Objects and Reasons of the Madras Outports Landing and Shipping Fees Act 1885 (Madras Act III of 1885) dated 29-1-1885 (extract attached) which specifically lay down the purposes for which the Minor Ports Fund and the Mangalore Landing and Shipping Fund respectively are to be expended. Accordingly, diversion of any part of any of these funds would be ultra vires and irregular. Remarks of the Port Officer Mangalore on the request of the Local Municipality for a grant from the Port revenues are contained in his letter No.2865/46-1 dated 17-10-46 (copy attached). Further, Municipal taxes on the Port lands within Municipal limits are paid out of Port and Marine Funds.

I do not consider that the request of the Mangalore Municipality for a grant from the Mangalore Port Revenues is a legitimate one and should in the circumstances explained, be rejected.

Presidency Port Officer.

*Government Endt.No.4436 F/46-2 dated 28-9-46, and enclosures.

T/30.

STATEMENT OF OBJECTS & REASONS.

13

This bill is similar in character to the Cocanada Port Dues Act (Act III of 1883).

2. While this Act was still under consideration, the mercantile community of Gopalpore drew the attention of Government to the necessity for improving the facilities for the landing and shipping of goods at that port. The matter was referred to the Master Attendant who after consultation with the leading merchants of Gopalpore reported that the port might be greatly improved by the erection of a bill on the lines of the Cocanada Port Dues Act to provide funds for the construction and upkeep of the improvements necessary. Captain Taylor further suggested that the bill should be a comprehensive one which might be extended to any outport the community of which desired to provide funds for carrying out local improvements. As the mercantile communities of Bimlipatam and Vizagapatam had already made requisitions similar to that received from Gopalpur, the Government approved of Captain Taylor's suggestions and directed the drafting of this bill.

G.O. dated 11th April, 1884. No.156 (Mar.)

3. The bill has been framed solely with a view to enable Government to meet promptly the wishes of local communities. It will of course be applied only at the request of the parties who will have to contribute the fees and whose interests will be served by the funds so raised. The mode provided for bringing the Act into force in any port is (Section 1) by a notification of the Governor in Council to that effect.

x x x

Madras, 29-1-1885. H.E. Sullivan.

II.

From the Port Officer, Mangalore.
To the Presidency Port Officer, Madras.
No.2865/46-1 dated 17-10-1946.

Grant - share of Mangalore Port income - Payment of - Your letter No.2801 G1/46-1 dated 10-10-46.

--

The Mangalore Municipality does not provide any amenities in the port area. The conservancy of the port as well as all roads within the port area are maintained at the expense of the Mangalore Landing and Shipping Fund.

2. The existance of Mangalore Port is mainly responsible for the prosperity of Mangalore Town. The Bunder ward is the most thickly populated area in the town and brings a huge revenue to the municipality.

3. The tiles form the major item of export. The existance of the port has given great fillip to the tile trade and a large number of tile factories have been set up on the river fro All these factories use water transport for obtaining their clay firewood and other raw materials as well as exporting the finished products. The municipality does not provide much in any of amenities to these factories but in spite of it, collects usual taxes from the factory owners.

4. Regarding maintenance of roads leading to the port a vehicle tax is levied from all vehicles for maintaining all roads. If the revenue from this source is inadequate, it is suggested that the question of raising the vehicle tax may be considered.

Mangalore

5. Mangalore is a minor port and the revenue of the landing and shipping fund in spite of the 25% surcharge sanctioned in G.O.Ms.No.2256 P.W.D. dated 22-8-46 is barely enough for its day to day maintanance. The prosperity of district in general and the Mangalore Municipality in particular is interlocked with the prosperity of the port. Any diversion of the port funds will entail enhancing the rates of landing and shipping dues which will be objected to by the trading community and is bound to adversely effect the traffic at the port.

6. Under the circumstance, I submit the Government may be requested to reject the proposal of the Mangalore Municipal Council.

(True Copy)

Assistant to the
Presidency Port Officer.

Municipal limits - Negapatam Mcl-port area. Provision of amenities by Mcl.

Memo No 619-1-B dated 21-2-47.

The Commissioner Negapatam municipality is requested to furnish information on the following points viz:

(1) what amenities are provided by the Mpty. to the port area;

(2) whether the port area is paying property tax on lands & buildings vested in the Trustees of the port; and

(3) what amenities have been provided by the port authorities themselves.

SM
16-2-47

SM
16/2/47

From

Sri G. Srinivasan, B.A.M.
Municipal Commissioner,
Negapatam.

To

The Secretary to Government,
Local Administration Departme
Fort St. George, Madras.

LOCAL ADMINISTRATION

11269 No:L.Dis.3288/47, dated 25-3-1947.

Sir,

Municipal limit - Negapatam Municipal Council - Port area - Provision of amenities by the council.
Govt.Memorandum No.619-1-B, L.A., dated 21-2-47 and remi thereon dated 15-3-47.

The information required by Government is furnished belo seriatim:

(1) The municipality has provided protected water supply a has given metered connection in the port area. The roads upto th port area are maintained by the municipality and lighting has b provided upto their limits. Scavenging is being done by municipal scavenger for the latrine attached to port office.

(2) Port authorities are paying property taxes to the tune of Rs-2174-2-0 per annum on lands and buildings in the port area.

(3) Port authorities have provided passenger sheds and la places for persons embarking or disembarking and are also provi lighting arrangements when passengers come. They are now contem plating to provide stalls from 1-4-47 wherein aerated waters, t and other light refreshments can be had for the sea-going public. The latrine attached to the sheds is cleaned by the scavenger spe cially engaged by the port authorities.

Forwarded.

27.2.47

Chairman.
B/25-3.

Commissioner.

P.W.D.

Sub : Ports- Mangalore - Share of Port income to Mangalore Municipal Council - Refused.

READ: From the Commr, Mangalore Municipality, B4/9849/46 dated ~~8~~ 8--8--1946.
Endt. to the P.P.O. No.4436 F/46-2,dt. 28-9-46.
From the P.P.O. No.2801 G1/46-2 dated 31-10-46.

...

G.O. Ms. No. 2223 dated 25--~~12~~--7--1947.

The Government ~~see no reason~~ do not find sufficient reasons to comply with the request of the Mangalore Municipal Council that it should be given a share of the income of the Mangalore Port.

To the Commr., Mangalore Municipality thro' C.M.C.
To the P.P.O.
Copy to the Inspector of Municipal Councils and Local Boards.

Port Department — Mangalore Port — Payment of a share of the Mangalore Port income to the Mangalore Municipality — Request.

From the Commissioner, Mangalore Municipality
No. B4/9849/46 dt. 8-8-46

To the P.P.O. Endt. no. 4436 F/46-2 dt. 28-9-46
From
No. 2801 GL/46-2 dt. 31-10-46.
To A.S.4

Please see the letter from the Commissioner, Mangalore Municipality on pp 1-2 c.f. and the remarks of the P.P.O. on p 11 c.f.

The wharves of the Port, it is reported, are situated on the reclaimed land which is just outside the municipal limits. So the municipality is not able to derive any income from the port. All the exported and imported merchandise at Mangalore are carried over the municipal roads and the M.C. is put to much expenditure to maintain them. The M.C. therefore requests that a portion of the income of the Mangalore port may be given to it especially in view of its financial position. The P.P.O. considers that the request of the M.C. is not legitimate. He also considers that the revenues of the port should be utilised only for the purposes mentioned in Sec. 36(5) of the Indian Ports Act 1908 and at A on p 13 c.f. and that contribution to the municipality is not permissible. Therefore ~~proposes~~ recommends that the proposal may be turned down.

It may be mentioned in this connection that the Minor Ports fund is not now in a sound position and the P.P.O. has requested for a free grant of Rs. 3 lakhs to the fund during the current year to enable it to

cover the anticipated deficits at the end of the year and to leave a working balance.

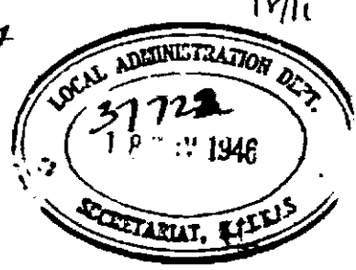
In the above circumstances it is for orders whether the request of the M.C. for a share of the income of the Mangalore Port may be negatived.

11/11/46 The income from the port is credited to two different funds viz the Madras Minor Ports Fund constituted under the Indian Ports Act 1908 [illegible] and to the Mangalore Landing & Shipping Fund constituted under the Madras Coal ports Landing & Shipping Fees Act 1885. The Indian Ports Act was in certain cases held to preclude the [illegible] meeting [illegible] from the Minor Ports Funds expenditure on objects similar to the present one - please see the note in Fin. No. 2772 P.W.D. 29.11.1939. The Madras Coal ports (E) Landing & Shipping Fees Act however does not however contain any provision (like the Indian Ports Act) indicating the objects on which the Fund could be spent - Please see in this connection the first sentence of Sec. 7 of the 1885 Act. and portion marked 'A' on p. 13 ct. It would seem possible to accede to the Mangalore Municipal council's request in the present case only by a relaxation of the laws relating to the two funds concerned.

But in view of the poor state of the Ports Depts finances, it seems that the request may be negatived

L.A. may see for remarks if any

R.S. 13/11



13/11/46 S

1 I have noted what the P.P.O has stated in his note & the Comparative Statement of finances of the Minor ports at present I can see no good reason for complying with the request of the Municipality

13/11 L.A.

P.W.D. No. 4436 Fin 1941

L. A. Deptt.

Please see the notes of P.W. Department on pages 1-2 above. From the letter of the port officer Mangalore on Page 13. C.F. is observed that the municipal Council does not provide any amenities in the port area and that the conservancy of the port as well as the roads within the port area are maintained at the expense of the Mangalore Landing and Shipping Fund. There seems to be therefore no case for pressing the claims of the Mangalore Md. Cl. for a grant from the Mangalore port revenues. With these remarks the file may be passed on to P.W. Department.

6.12.46

12/12/46 4/82/5

12/12/46

H. L. A. Dept. has agreed that there is no case for municipality for a share in the income of Mangalore port. A draft Order is submitted for approval reference to A on p. 2 ante. The file may be circulated to H.M. (P.W) and H.M. (L.A).

16/12/46

19/12/46

20/12

H.M (P.W)
H.M (L.A)

20.12.46

Two points have to be considered which are a question of fact & another a question of principle. The Commissioner in his letter states that the Municipality

...ities a great expenditure for maintenance of roads which many serve the transportation of merchandise but there is no adequate relation to the Municipality for the expenditure incurred. The point should be examined. The real point is, as a matter of principle whether the Municipality should be entrusted with the work of maintenance of roads which are used by the inhabitants of the Municipality. The Municipal Council should be the proper authority in this respect. The matter may be examined in consultation with the Chairman of the Municipality and a report sent up.

Sd/-
31.12

P.W. Dept.

Sd/- A.S.

The file may now be circulated to H.M (P.W) for perusal of the minute of H.M(L.A) before taking action with reference to A above.

Sd/- 4.1.47.

Sd/- 6/1/47

no need to submit this to H.M (P.W) at this stage. L.A. may examine & when the file is received back in P.W.D. it will be circulated to H.M.s (P.W) and (L.A) with the remarks of this dept.

Sd/- 7/1/47 L.A

P.W.D. No. 44366

LOCAL ADMINISTRATION DEPT. 8 JAN 47 SECRETARIAT, MADRAS

L.A.D.(E)

Please see the minutes of H.M.(L.A.) on pages 3-4 above. (2) A total length of nearly 73 miles of trunk and other roads with a Charge of the Mangalore Mcl. has been taken over by the Highways Deptt. for maintenance from 1-4-46 (vide Appendix II to G.O. No. 569 L.A. dated 20.3.46. It should, therefore, be possible for the Mcl. to maintain the roads left with it from its funds. The financial position as on 1-4-46 as disclosed by H.M.(L.A.) at M on p 4 above is examined below:

N. Krishnamurthi
23.1.1947
Asst. Secy. to Govt.

To Fund. I. 6 notes
" A & B. 6 " "
" X on p 4 above

The Mangalore Municipal Council is at present maintaining 58 miles of roads excluding 2.58 miles of trunk road since taken over by the Highways Department. The income derived by the Council under "Communications" is not sufficient to meet the expenditure on road maintenance as will be seen from the following statement:

Year	Length of roads maintained	Expenditure on road maintenance	Receipts under "Communications"
1942-43	54.87 @	45,833	40,078
1943-44	60.58 @	43,923	26,345
1944-45	60.58 @	54,211	46,450
1945-46	60.58 @	62,205	53,709

@ Includes 2.58 miles of trunk Road.

2.4.47
(Mr. A. Dasan)
S.S.S.
572147

Please see X of H.H(L.A)'s minutes on p.4 ante.

Madras: The Madras Port Trust area is included in the City limits. Property tax is levied by the Corpn of Madras on lands & buildings vested in the trustees of the Port of Madras under Sec 102 (c) of the M.C.M. Act at the rate of 4 per cent on the gross earnings. Tax on vehicles, profession tax & license fees for storing licensable commodities are also collected by the Corporation from the Port Trust. The Corpn supplies water to the Port & charges all water used within the Port at Rs 1-6-0 per 1000 gallons & that supplied for shipping at Rs 4-7-0 per 1000 gallons. The Port Trust has provided its own lighting within harbour limits. All public roads around the harbour are lighted by the Corpn. The conservancy of the harbour area is done by the Port Trust & they have their own drainage arrangements.

Thro' G.R.

Information regarding X on page 4 above, in so far as it relates Negapatam, is not available in this Deptt. The information may be obtained from the Comm. Negapatam mpty. A draft memo is submitted below for approval.

I presume the Port area in Negapatam is included in mpl limits.

14/2/47

14-2-47

16/2/47

Submitted. It is understood that the port area in Negapatam is included within the Municipal limits.

I have no objection to issue the memo as proposed.

21-2-47.

[Issued as Memo No 619-1-B dated 21-2-47.]

From the Comm. Negapatam mpty, Ltrs 3288/47 dt 25-3-47.

Please see the letter of the Comm Negapatam mpty on page 17 ante.

Negapatam The port area is included within the limits of the Negapatam municipality. The port

para 3 on p 2 CF. The file relates to the request of the Mangalore mld that a portion of the income of the Mangalore Port may be given to it for the reasons that the mld incurs heavy expenditure for the maintenance of roads which mainly serve the transportation of merchandise for import or export overseas and that there is no adequate return to the mlty for the expr incurred. The P.P.O to whom p 11 CF the matter was referred, considers that the request the mld is not legitimate and recommends that it may be turned down. In view of the PPO's recommendation and in view of the slender A on p 2 ante finances of the minor ports the PWD exp see no reason for complying with the request of the cl.

2. In this connection the then HM (LA) wanted the H 3-4 ante following points to be examined, namely :-

(i) whether there is adequate return or not to the mlty for the expr incurred on roads which mainly serve the transportation of merchandise

(ii) whether a particular body comprised within a mld area can say that they will run their own services & provide the necessary amenities and be independent of the mld & what the position in this regard is in the case of the Madras Corpn & the Negapatam mld

3. As regards the first point referred to above it will be seen from the statement on p 5 ante that the income derived by the mld under "Communication" is not sufficient to meet the expr on road maintenance. As regards the second point, the position of the Madras Corporation vis-a-vis the Port authorities in Madras has been noted on p 6 ante. The Madras Port Trust area is included in the city limits and property tax is levied by the Corpn on lands and buildings vested in the Trustees of the Port of Madras. In the case of the Negapatam mlty also the Port area is included in the mld limits and the Port authorities are paying property tax to the mld. It is seen from the Comm's report on p 17 CF that the mld has provided certain amenities in the Port area and that the Port authorities themselves

X 4 in this regard

The contention that there is no adequate return to the mlty for the expr incurred on roads seems correct

N

p 17 CF

have provided certain other amenities In the case of the Mangalore mpl. there is no information as to what amenities the cl has provided in the Port area It appears that the wharves of the Port are situated on the reclaimed land which is just outside the mpl limits. The main contention of the cl is that it is incurring heavy expr on the maintenance of the road in mpl limits which are used for the transportation of merchandise to the Port and that therefore it should be given a share of the income of the Port. But in view of the fact that the wharves in question are situated outside the mpl limits ~~+ that no amenities are provided by the cl in that area this is~~ may argue with the view of Govt at A or not. ~~For~~.

KBL 2.mpl 15.4.47 S

The mpl Council's claim for a ~~[illegible]~~ share in the Port income is not justifiable. The tax on vehicle levied by the mpty will not be adequate to meet the cost of ~~m~~ of the roads. Mpl property tax Port lands within the mpl lim is being paid by the port. ~~The~~ Part of the port lands (wharves) are outside the mpl limits. The question whether these lands may be included within the mpl limits and the question as to what additional annual income under property tax etc, the mpl Cl will get ~~+~~ by such inclusion may be investigated.

~~AS~~ S

RL 16.4.47 Subject(ele)

RF 17.4.47

P.N.D.

ASSISTANT SECRETARY TO THE GOVERNMENT OF MADRAS 1988

L.A.MA 619-2E
17-4-47.

To AS

Please see the note of the A. Dept on pp 7-8 ante

The file relates to the request of the Mangalore Ml. cl. that it may be given a portion of the income of the Mangalore port for the reason that it incurs heavy expenditure for the maintenance of the roads over which the merchandise for import and export is carried and that there is no adequate return to the municipality for it, since the wharves are outside the municipal limits. The P.P.O. when consulted pointed out that the revenues of the port should be utilised only for the purposes mentioned in Sec 36(5) of the Indian Ports Act 1908 and also for those mentioned at A on p 13 c/f and that a contribution to the municipality is not permissible. This dept. ~~accepted the view~~ proposed to reject the request of the Ml. cl in view of the P.P.O's remarks and also in view of the abolition of the Minor Ports Fund. The A. Dept. agreed that there was no claim for the Ml. cl for a share from the revenues of the port especially in view of the fact that the Ml. cl does not provide any amenities in the port area and they are provided at the expense of the Mangalore L.B. Fund.

3. In this connection HM (L.A.) wanted the following points to be examined.

(1) Whether there is adequate return to the municipality for the expenditure incurred on roads which mainly serve the transportation of merchandise and (2) whether a particular body comprised in a municipal area can say that they will not maintain other services and provide the necessary amenities and be independent of the Ml. cl. and what the position is in this regard in the case of the Mangalore Corporation and the Nagpatnam Ml. cl.

4. As regards Point (1) the A. Dept. state that the income derived by the Municipality under communication is not sufficient to meet the expenditure on road maintenance and that there is no adequate return to the municipality for the

expenditure incurred by it on the maintenance of roads.

As regards point (2) they state that Madras Port Trust area is included within the city limits and that the Port Trust is paying Property tax. Nagapatam port is also included within the Nagapatam municipality and certain amenities are provided in the port area by the Ml. cl. The port authorities are paying property tax to the Ml. cl. But they have not said anything specific regarding his general question. Whether it is open to any particular body to be comprised in a municipal area to say that they will run their own services and provide necessary amenities, and be independent of the mcl. cl. They however ~~propose to investigate~~ state that in question whether reclaimed lands which are now outside the mcl. limits may be included within the mcl. limits may be investigated this is a matter for the A.D themselves to do in the first instance

It is submitted that the Mangalore Port authorities are paying all municipal taxes on the Port lands within the municipal limits. L.A. Deptt. again agree with this dept. that there is no justification for the claim of the Ml. cl. for a share in the port income.

L.A.D may see again with reference to A above for remarks before circulation

29/5/47 — 30/5/47 — L.A. Dept (B)

Please see the note of this Deptt. on pp.7-8 above and the remarks of the P.W.D. thereafter.

The file has been sent to this Deptt. for remarks particularly with reference to 'A' above. Though it is open to any particular body comprised in a Ml. area to run their own services, it cannot claim to be independent of the Mplty. within whose jurisdiction the area lies unless the area occupied by such body is excluded from the Ml. limits. In fact the Andhra University in Vizag is running

p.t.o.

its own services but paying taxes to the Mplty. The Collr. of Vizag has opposed the application of the University for its exclusion ~~merely on the ground that the University is running its own services~~ from municipal limits. When a Mplty. is constituted for any area, that area will be governed by the Ml. laws and regulations and it cannot choose to be independent of them (vide sections 138, 146 to 148, 150, 156, 158 & 159 of the M.D.M. Act 1920). Normally it is the function of the Mplty. to provide the necessary amenities to the people residing within its limits. But in case a particular body chooses to run its own services it is open to the Ml. Cl. to exempt that body from the levy of taxes wholly or ~~a portion of taxes~~ in part in respect of those services (vide section 83 of the M.D.M. Act 1920). As regards the question of including within the Ml. limits a part of the Port lands (wharves) which are outside the Ml. limits, ~~it may be stated that~~ the Commr. Mangalore Mplty. may be asked to examine and submit proposals if necessary. P.W.D. may be requested to return the file to this Deptt. after final orders have issued, so that ~~necessary~~ relevant extracts may be taken in this Deptt. for necessary action. With these remarks the file may be returned to P.W.D. U.O.

18/6/47

18.6.47

P.W.D.

LAw 19152-43

ASSISTANT SECRETARY TO GOVERNMENT
20 JUN 1947
PUBLIC WORKS DEPARTMENT

P.W.(F).

The file relates to the request of the Mangalore Municipal Council that it may be given a portion of the income of the Mangalore Port for the reason that it incurs heavy expenditure for the maintenance of the roads over which the merchandise for import and export is carried and there is no adequate return to the municipality for it since the wharves are outside the municipal limits. The P.F.O. when consulted pointed out that the revenues of the port should be utilised only for the purposes mentioned in section 36(5) of the Indian Ports Act 1908 and also for those mentioned

at 'A' on p.13 c.f. and that contributions to the Municipality was not permissible. This Dept. proposed to negative the request of the municipal council in view of the P.P.C's remarks and also in view of the slender finances of the Minor Ports Fund. L.A. Deptt. agreed that there was no claims for the municipal council for a share from the revenues of the port especially in view of the fact that the municipal council does not provide any amenities in the port area and ~~xxxx~~ they are provided at the expense of the Mangalore Landing and Shipping Fund.

2. In this connection, H.M.(L.A) wanted the following points to be examined :-

(1) whether there is adequate return to the Municipality for the expenditure incurred on roads which mainly serve th transportation of merchandise and

(2) whether a particular body ~~composed~~ comprised in a municipal area can say that they will run their own services and be independent of the Municipal Council and what is the position in ~~xxx~~ this regard in the case of Madras Corporation and Negapatam Municipal Council.

3. As regards point (1) above, L.A.Deptt state that the income derived by the Municipality under communications is not sufficient to meet the expenditure on road maintenance and that there is no adequate return to the municipality for the expenditure incurred by it on the maintenance of roads. As regards point (2) above they state that though it is open to any particular body comprised in a Municipal area to run their own services, it cannot claim to be independent of the ~~x~~ Municipality within whose jurisdiction the area lies unless the area occupied by such body is excluded from the municipal limits. They also state that when a municipality is constituted for any area, that area will be governed by the Municipal laws and regulations and it cannot choose to be independent. Normally it is the function of the Municipality to provide the necessary amenities to the people residing within its limits. But in case a particular body ~~choose~~ chooses to run its own services, it is open to the Municipal Council to exempt that body from the levy of taxes wholly

or in part in respect of those services with reference to Section 83 of the Madras District Municipalities Act. As regards Madras and Negapatam referred to by H.M.(L.A.) they state that the Madras Port Trust area is included within city limits and that the Port Trust is paying Property tax. They also state that Negapatam Port is included within the Negapatam Municipality and certain amenities are provided by the Municipality and the Port authorities are paying property tax.

4. L.A. Dept. have again agreed that the Mangalore Municipal council's claim for a share in the Port income is not justifiable as Municipal Property tax on port buildings within Municipal limits is being paid by the Port. L.A. Dept. however want to examine the question of including within the Municipal limits a part of the port lands which are outside the Municipal limits and they have requested this Dept. to send this file after the issue of final orders in the matter. In the circumstances, the draft order already put up negativing the request of this Mangalore Municipal Council may be issued. The file may be circulated to H.M.(P.W.) and H.M. (L.A.). after perusal by legal.

P.WD's No. 44361-46-8 2.8.47

27.6.47 8/6/47

3.8.47

Legal Dept

ASSISTANT SECRETARY 8 JUL 1947 LEGAL DEPARTMENT

Seen in legal 7.7.47

8/7/47

PWDept (F)

Legal No 7272/47 8/7/47 G. A.S.

ASSISTANT SECRETARY TO GOVERNMENT 8 JUL 1947

SECRETARY TO GOVERNMENT 8 JUL 1947

The rules from bottom of p 11 ante explain the matter

The file may be circulated to HM (PW) and HM (LA)

Draft order negativing the request may issue

T.M. Sundaram 12.7.47

10/7/47 10/7/47

14
I AS.

P.W (7)

The Orders in circln. at Pages 9 & p 13 ante may be perused. The draft below may now issue. (After issue, the file may be sent to Lft. Deptt. with reference to X at p 13 ante

(1) Draft
(2) LA.

23.7.47
Kum
23.7.47

24.7.47

L. A. Deptt (10)

Please see this Deptt note on pages 10 + 11 above the P.W Deptt note above. Relevant extracts for inclusion of part of the pot lands (Wharves) within the Mangalore ML limits has been taken for separate action. The file may be returned to P.W. Deptt.

5.8.47

The orders in circulation on p 13 ante & the order issued to Mangalore Commr. may be perused & the file returned to R.D. Dept. (Dept. action will be taken in this Dept. re inclusion of part of the Port Land within the mun. limits)

8.8.47

F.W.R. (7)

I AS.

Lft. No. 27323-7
9.8.47

The papers may now be closed

11.8.47
Kum
(Asst)

13.8.47

C&D Section may obtain orders. Formerly C&D Section dealt with this case. (Vide para 51 of the Secrett. Manual)

11/11/47 Not for C.D.

Thereafter Henry Jacobs IO 6 IV

12/1/48

cd 15/1 HE
N/c
15/1

Pat by a single note
12/1. A dr 4 NF
regards about
A 023 Secty
to pole

Copy of D.O. from the Commissioner, Corporation of Madras, Ripon Buildings, Madras.

Sub:- Jurisdiction - Madras City Municipal limits - information in respect of limits of Harbour and Port areas - called for.

Ref:- Your D.O. letter R.C.No.50/45-B2, dated 17-1-1945.

Under section 3(9) of the Madras City Municipal Act of 1919 the areas declared by the local Government, by notification, to be the city of Madras excludes only the Fort St.George with its glacis. The Port Trust area is included in the City limits.

2. Property tax is levied on lands and buildings vested in the Trustees of the Port of Madras in accordance with section 102(c of the Madras City Municipal Act at a rate not exceeding 4 per centum on the gross earnings made by the Trustees in that year. We are actually levying a tax at the rate of 4% on their gross earnings. As we are thus levying a consolidated rate based on their earnings, there is no question of exempting them from any ~~kkx~~ of the components of property tax. The Madras City Municipal Act does not provide for levying a scavenging tax at all.

3. Tax on vehicles, profession tax and license fees for storing licensable commedities are also collected bythe Corporation from the Port Trust area. The Corporation supplies water to the Port and charges all water used within the Port at Rs.1-6-0 per 1000 gallons and that supplied for shipping at Rs.4-7-0 per 1000 gallons. The Port Trust has provided its own lighting within harbour limits. All public roads around the harbour are lighted by the Corporation. The conservancy of the harbour area is done by the Port Trust authorities and they have their own drainage arrangements.

Papers in G.O.No. Lr HS 541 LA dt 13.3.45

C.No. 1021/5/46

Yours sincerely,
Sd/ ** ** (J.P.L.Sheney).

/True copy/